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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva
on Wednesday, 2 February 1994, at 3 p.m.

Chairman: Mr. URRUTIA (Peru)

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The meeting was called to order at 3.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1994/9, 12-14 and 98; A/48/96, 278 and 557)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1994/22 and 23; A/48/385)

1. The CHAIRMAN invited the members of the Commission to continue their consideration of agenda items 4 and 9.

2. Mr. SILALAHI (Indonesia) said he regretted that, despite the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Palestine Liberation Organization and Israel, all the rights of the Palestinian people, from the right to life to the right to freedom of expression, were still being violated by Israel. Furthermore, the isolation of the city of Jerusalem also continued. Nevertheless, the momentum generated by those preliminary steps should be reinforced and efforts made to resolve the issues that arose during the difficult of transition period. In that context, his delegation endorsed the Palestinian demand that interim arrangements must ensure the Palestinians the right to exercise jurisdiction over all the occupied territories and, in particular, to exercise total control over their political and economic affairs. Viable economic links with neighbouring countries must be established immediately. Intensified international aid must lay the economic foundations and establish the infrastructures necessary to ensure the security of the Palestinian nation.

3. The path towards a just, comprehensive and durable settlement of the Palestinian question was fraught with obstacles, especially on the question of the withdrawal of Israel from the Gaza Strip and Jericho. Acts of violence by Israeli forces and illegal armed settlers was making the situation worse. The establishment of peace depended on scrupulous respect for the provisions of the Declaration of Principles and of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978). Furthermore, the peace initiatives should be reinforced by negotiations on important outstanding issues such as the status of the Holy City of Jerusalem, equitable treatment of refugees, dismantlement of settlements and delineation of borders.

4. Indonesia and the other non-aligned countries, which welcomed the peace process that was under way, would continue to support the Palestinian people in its struggle for recognition of its inalienable rights. That position had already been expressed in the communiqué issued at the conclusion of the meeting of ministers and heads of delegation of the Movement of Non-aligned Countries, held in October 1993.

5. Mr. ABDULLAH (India) said he welcomed the signing of the Declaration of Principles by Israel and the Palestine Liberation Organization in September 1993 and hoped that that bold and imaginative move would constitute the beginning of a just and comprehensive settlement in the Middle East which would restore to the Palestinians their legitimate rights. India had always been steadfast in its support for the Palestinian people in its struggle and

had been one of the first countries to recognize the PLO as the sole and legitimate representative of the Palestinian people in 1975, and the State of Palestine, in 1988. By its active participation in the multilateral negotiations associated with the peace process, India would continue its efforts on behalf of peace in western Asia. India would continue to extend to the Palestinian people the moral, material and technical assistance it required in order to establish its autonomy.

6. He welcomed the United Nations support for the peace process and its recognition of the need to assist the Palestinians in rebuilding infrastructures in a number of fields, as exemplified by its announcement of programmes and projects amounting to nearly US$ 250 million. At the donors' conference in Washington, India had pledged the sum of US$ 1 million in kind to promote self-government in Gaza and Jericho. India had also offered to carry out feasibility studies in small and medium-scale industries to identify opportunities of generating employment.

7. While all countries must support the peace process, that process would really achieve its goal only if the two parties concerned had the will to make it happen. It was to be hoped, therefore, that Israel and the Palestine Liberation Organization, having already managed to overcome their long-standing antagonisms, would continue their endeavours and succeed in evolving a plan for coexistence and relations of amity and cooperation.

8. Ms. POSADA (Commission for the Defence of Human Rights in Central America) said that her organization had for a long time been denouncing before the Commission the grave events which infringed upon the sovereignty of the States of Central America: the military occupation of Panama by the United States of America, the installation of United States military bases on Panamanian territory and in Honduras, interference by the States of North America in the political and economic decisions of all Central American countries, and the aggression, blockades and pressure of the international financial institutions. There were some new elements to be added to that list. Because of their economic dependence, the States of Central America had been constrained to adopt political, economic, social and legal measures, the motivation for which was determined outside the country concerned but which damaged the human rights of its nationals. Thus economic policies imposed by the World Bank and the IMF had infringed upon the economic, social and cultural rights of citizens and violated the right to development and the economic sovereignty of peoples. The basic needs of the majority of citizens were no longer satisfied, and only a privileged minority profited from the privatization measures and cuts in social programmes.

9. In addition, the financial institutions were used by the economically powerful States which controlled them as a tool with which to ensure that the Governments of Central America acted against their own interests and those of their citizens. Taking Costa Rica as an example, she said that the United States was threatening to oppose the granting of loans if the Costa Rican authorities did not take decisions in keeping with United States interests in two specific cases, namely, a matter of expropriation and the question of the privatization of the telephone industry. As for Nicaragua, the United States Government had linked the granting of loans to that country to the restoration of property to United States citizens and the removal from

office of General Ortega. Subsequently, the United States Government had put pressure on the Government of Mrs. Chamorro to expel a number of foreigners who had acquired Nicaraguan citizenship during the Sandinist period.

10. In El Salvador and Honduras, United States support for paramilitary units such as the death squads was well known. In Guatemala, more than 4,000 United States troops were engaged in social service activities for a supposedly disinterested purpose. Panama provided the most flagrant example of interference. According to the Panamanian National Commission for Human Rights (CONADEHOPA), the United States decided which rights were to be respected and which were not, and which nations were democratic and which were not. Following the invasion of Panamanian territory, thousands of people had been killed or wounded and hundreds of families rendered homeless. Panama had become an American base and constitutional guarantees such as the inviolability of the home and respect for privacy were hardly ever respected in the country. The tapping of telephones had become standard practice. Some families whose rights had been infringed had had the courage to complain to the Inter-American Commission for Human Rights. A number of them, as well as witnesses, had been threatened by the Panama and United States authorities and urged to withdraw their complaints; some had even been denied essential social services, such as health services, for having lodged complaints as civilian victims of the invasion.

11. Associations for the defence of human rights in Central America urged the international community to support them in their struggle for respect for the principles of the sovereignty of States and non-interference in their internal affairs, as laid down in the Charter of the Organization of African Unity and the Charter of the United Nations. Respect for sovereignty and the principle of self-determination was an essential prerequisite for respect for human rights in general.

12. Mr. HOCINE (Observer for Algeria) said he wished to remind the Commission that the populations of occupied territories, whose most basic rights were constantly being violated, were subjected to foreign occupation and thus had the right to special protection under international law. The international community must at long last assume its responsibilities; the occupier and the occupied could not be judged on equal terms. It was clear that peace in the Middle East had to be achieved through implementation of the relevant Security Council resolutions, whether in Palestine, the Golan or Lebanon, and that peace could truly reign only when the Palestinian people had recovered all its rights. For its part, Algeria had always supported the Palestinian people's struggle and had never evaded its obligations when it was a question of working for peace. Algeria had participated in the multilateral peace negotiations which had begun with the Madrid Conference. It had welcomed the Declaration of Principles signed in Washington, as well as the meeting at Geneva between Presidents Assad and Clinton. Also, at the donors' conference, Algeria had committed itself to making a sizeable financial contribution, namely US$ 10 million, as aid to the Palestinians. His delegation regretted that it had not had time to study properly the report by Mr. Felber (E/CN.4/1994/14) which gave an account of his brief visit to the territories following a "personal invitation". It hoped that the Special Rapporteur would be able to continue his mission in better conditions and fulfil his mandate in accordance with the texts that governed it.

13. As for the use of mercenaries, which was the subject of the report drawn up by Mr. Enrique Bernales Ballesteros (E/CN.4/1994/23), submitted under agenda item 9, it was clear that the phenomenon must be tackled with the utmost vigour and that all States must take firm measures to eliminate it as quickly as possible from the face of the earth. In that connection, it was worth pointing out that, under Algerian law, there was a penalty of from 10 to 20 years' imprisonment and a heavy fine for any Algerian found guilty of having enlisted abroad in an armed group of whatever type or denomination, even if its activities were not directed against Algeria.

14. Finally, his delegation reaffirmed Algeria's attachment to the cause of peoples struggling to exercise their right to self-determination and independence, because denial of that right to an occupied people constituted a violation of human rights. Algeria would continue, in particular, to support the efforts of the Secretary-General of the United Nations to organize and monitor, in cooperation with the OAU, a self-determination referendum of the Saharan people in accordance with the Security Council resolutions establishing the plan for settling the question of Western Sahara.

15. Mr. OZDEN (Centre Europe-Tiers Monde) began by drawing the Commission's attention to the situation of the Tamils in Sri Lanka whose rights, especially the right to self-determination, were being constantly flouted. Tamil areas were currently being subjected to an economic blockade and bombing by the Sri Lankan armed forces. It was thus important that the Secretary-General of the United Nations should make his good offices available to settle the conflict, which would be solved only by recognizing a Tamil homeland in the north-east of the island and respecting the right of the Tamil people freely to determine their political status.

16. The situation in Western Sahara remained unchanged because of the obstacles Morocco had been placing in the way of the search for peace for almost 20 years, and of the all too frequent silence on the part of the Security Council and the Secretary-General of the United Nations. It was in fact a decolonization question, as attested by the fact that the inalienable right of peoples to self-determination and independence, in accordance with the principles laid down in the Charter of the United Nations and in the Declaration on the Granting of Independence to Colonial Countries and Peoples, as contained in General Assembly resolution 1514 (XV) of 14 December 1960, was recalled in the preamble to all the United Nations resolutions on Western Sahara. The Saharan people was the last in Africa unable to exercise its legitimate right to self-determination. It was clear that Morocco wanted nothing to do with the peace plan approved in Security Council resolution 690 (1991) and that it was doing everything possible to prevent its implementation, as shown by the many forms of harassment to which members of the United Nations Mission for the Organization of a Referendum in the Western Sahara (MINURSO) were being subjected in the field. It might also be wondered whether the silence of the United Nations and its Member States was not tantamount to tacit approval of Morocco's attitude. It was unclear why the act of doing justice to the Saharan people would be an embarrassment to certain States. The rules of the game were apparently compromised by the material inequality between the two parties and the arguments of one State with evident hospitable charm seemed to prevail over the legitimate arguments of a people one section of which lived in refugee camps and the other under

Moroccan occupation. Or it might, perhaps, be regarded as a typical example of a policy of double standards. Indeed, Morocco's occupation of Western Sahara since 1975 had never aroused the indignation of the international community, which had not mobilized as it had done to secure respect for the Security Council resolutions concerning Iraq's occupation of Kuwait. It was high time that the United Nations assumed its responsibilities, because a heavy tribute of human lives was paid every day for such hesitations which benefited the strongest. If the United Nations was to regain its credibility and be a genuine force for peace, it would have to establish structures other than the existing Security Council, whose decisions merely reflected the immediate interests of its members. The new structures must be able to submit genuine peace proposals and to distance themselves from the Member States. Given the current state of the Western Sahara situation, his organization appealed to the Commission to request the Security Council to ensure effective implementation of the peace plan adopted on 29 April 1991 and impose the necessary sanctions against any party which did not respect it. It was also essential that the obstacles placed in the way of implementation of the peace plan be made public along with the positions adopted by the Secretary-General and the Security Council. The time had come for the United Nations to break its silence, which might well be interpreted as de facto approval of an occupation which had already lasted too long.

17. Mr. TYSZKO (Poland) said that, contrary to what was stated in paragraph 50 of Mr. Ballesteros' report (E/CN.4/1994/23), Janusz Walus, the assassin of the ANC member Chris Hani, was not a Polish mercenary. He had been living in the Republic of South Africa for many years.

18. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that, during a visit to the occupied territories and various parts of Israel, she had been able to see that violations of the rights of the Palestinian people had not only not ceased but had even increased in recent months, in particular following the signing by Israel and the PLO of the Declaration of Principles on 13 September 1993. It was important that the Commission should consider the Palestinian question from the point of view of human rights and not of politics, because the Israeli occupation of the West Bank, including East Jerusalem, and the Gaza Strip was first and foremost a denial of the fundamental right to self-determination of the Palestinian people and should never be a matter for negotiation.

19. Since 1948, there had been flagrant violations every day of all the articles of the Universal Declaration of Human Rights, the Fourth Geneva Convention and the Hague Convention. Israeli forces continued to demolish houses and arbitrarily arrest Palestinians on the slightest pretext, as demonstrated by the case of Mr. Abd al-Nasr Ubeid, who had been arrested on 30 August 1993 for alleged membership of the Hamas movement and for having allegedly burned down a bar some years before - a charge he had repeatedly denied for the 17 days of his detention, during which he had been tortured on a number of occasions. In fact, torture was a routine practice in Israeli prisons because it was officially sanctioned by the authorities and had never ceased, since - as the Israeli human rights organization B'Tselem had pointed out - Mr. Ubeid had been subjected to torture throughout the period when Israel and the PLO were negotiating the Washington agreement. A report published recently by the Palestine Human Rights Information Centre also

showed that, since the signing of the Declaration of Principles, more Palestinian land had been confiscated by the Israeli forces and new Jewish settlements had been established in the occupied territories, in violation not only of international law but also of clauses in the Declaration of Principles itself. The presence of more than 11,000 political prisoners in Israeli prisons and the institutionalized discrimination against Palestinians living inside Israel's borders demonstrated that international pressure on Israel should not only be maintained but even increased. The various good-will gestures Israel had made, such as the release of some 600 prisoners, should deceive nobody; the majority of those released had almost served their terms. It should not be forgotten either that the procedures for judging and sentencing Palestinians did not conform to recognized international standards.

20. Her organization requested the Commission to take all the measures it deemed appropriate, including expanding the mandate of the Special Rapporteur, to guarantee the individual and collective rights of the Palestinian people. First and foremost, the Commission should recommend to the General Assembly that it oppose any attempt to annul any of the resolutions adopted by itself or by the Security Council. It was important always to retain a memory of the past.

The meeting rose at 4.05 p.m.